

Iowa Environmental Regulatory Guide for Industries

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The lowa Environmental Regulatory Guide is your roadmap to lowa's environmental permitting requirements. This guide will assist in identifying the regulatory requirements as your company begins to plan for locating or expanding your business in lowa. The Department of Economic Development (IDED) is available to assist your company in identifying permitting requirements, communicating with the appropriate regulatory agencies, and in establishing a strong working partnership with these agencies.

Because we have briefly outlined the requirements for air, water and land quality permitting, we encourage you to contact us early in the planning process, or to talk with the regulatory agency contact(s) listed at the end of this guide for assistance in complying with the regulations. We are committed to working with you and supporting your commitment to environmental protection and economic development in lowa. Contacts referred to are listed at the end of each section with a summary at the end of this guide for your convenience. For additional assistance or information, please contact the Assistance Coordinators references below.

Iowa Department of Economic Development Regulatory Assistance Coordinator 200 East Grand Ave Des Moines, Iowa 50309 (515) 242-4901 www.iowalifechanging.com Iowa Department of Natural Resources Business Assistance Coordinator Wallace Building 502 E. 9th Street Des Moines, Iowa 50309 (515) 281-7276

www.iowadnr.com

AIR QUALITY

lowa is one of 16 states in the nation with no areas designated **Non-Attainment** by the Environmental Protection Agency (EPA). This means lowa has a more flexible air-permitting program, reducing your cost of doing business.

The lowa Department of Natural Resources (IDNR) Air Quality Bureau administers the Clean Air Act in Iowa. In addition, Polk and Linn Counties administer air programs for businesses located in those counties. Below are the primary types of air quality permits needed to do business in Iowa.

Construction Permits

A construction permit from the IDNR Air Quality Bureau, Construction Permits Section, is required prior to installing, constructing, or modifying equipment or for control equipment which emits regulated pollutants to the air outside of buildings. Some sources (a place or object emitting pollutants) are exempt from construction permitting. This could include a small natural gas heaters, non-production welding, and selected units with emissions less than one pound per hour. Sources that are not specifically exempt require a construction permit before the equipment is installed. Most construction permits can be obtained within one month to three months. A toll-free phone line, (877) AIR-IOWA, has been added to answer permitting questions.

For some sources, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), or predicted high impacts on the ambient (outside) air may make the construction permit process more complicated and lengthy. Major sources of air emissions or significant changes made at these facilities are covered under the Prevention of Significant Deterioration (PSD) program. PSD permitting requires several processes that make permitting much more time consuming than standard construction permitting.

IDNR does not require operating permits for individual emission units or points, such as stacks, vents, because the construction permit remains in effect when a unit starts operating. Polk and Linn Counties do require operating permits for individual sources.

Title V Operating Permits

Title V Operating Permits are required for facilities with the potential to emit annually greater than 100 tons of any regulated pollutant, or ten tons of any individual Hazardous Air Pollutant (HAP), or 25 tons of any combination HAPs. Operating permit options within the Title V program include:

- Small Source Operating Permits. These permits are for Title V sources which, through permit limits, will annually keep emissions under 50 tons for all regulated air pollutants; five tons for each individual HAP; and 12.5 tons for any combinations HAPs. Record keeping is required. Permit reporting is not required and no Title V fees are paid.
- Voluntary Operating Permits. These permits are for Title V sources, which, through permit limits, will annually keep emissions to less than 100 tons for all regulated air pollutants; ten tons for each individual HAP; and 25 tons for any combinations HAPs. Actual emissions of these pollutants must not exceed these thresholds. Limited reporting to the IDNR is required and no Title V fees are required.
- Title V Operating Permits. These permits cover each emission source at a facility and require annual reporting, record keeping, and monitoring.
 The payment of tonnage fees to IDNR each year for actual emissions is required.

The Title V operating permit application must be submitted to the Air Quality Bureau, Operating Permits Section, within one year after the start of operation at a new facility. A new facility can operate under a permit shield until the Title V permit is issued as long as a complete permit application is submitted on time. A Title V permit is valid for five years.

IDNR's Air Quality Bureau

7900 Hickman Road, Suite 1 Urbandale, Iowa 50322 (515) 242-5100

www.iowadnr.com/air

- Construction Permits Section
 (877) AIR-IOWA or (515) 281-8189
- Operating Permits Section (515) 281-8930

Linn County Public Health

501 13th Street NW Cedar Rapids, Iowa 52405 (319) 892-6000

www.air.linn.ia.us

Polk County Air Quality

1595 NE 58th Street Des Moines, Iowa 50313 (515) 286-3351

www.airquality.co.polk.ia.us

SMALL BUSINESS ASSISTANCE

Iowa Air Emissions Assistance Program

Your company may be eligible for confidential, non-regulatory assistance with air quality permitting and compliance at no cost to you through the lowa Air Emissions Assistance Program (IAEAP) at the University of Northern Iowa and the Small Business Air Quality Liaison at the Iowa Department of Economic Development.

Small businesses are eligible for this assistance if they:

- Employ 100 or fewer employees;
- Emit 50 tons or less of any regulated air pollutant annually;
- Emit 75 tons or less of all regulated air pollutants annually;
- Is not a major source or does not meet the Title V permit requirements;
- Is a small business concern as defined by the federal Small Business Act, (i.e. independently owned and operated and is not dominant in its field.)

Technical assistance is available from the Iowa Air Emissions Assistance Program (IAEAP), part of the Iowa Waste Reduction Center, located at the University of Northern Iowa. IEAEP is available to perform on-site assessments at a facility, conduct environmental audits, and complete air quality permit applications.

Iowa Waste Reduction Center
Iowa Air Emissions Assistance Program
1005 Technology Parkway
Cedar Falls, Iowa 50613-6951
800-422-3109 or 319-273-8905
www.iwrc.org

Small Business Air Quality Liaison

Compliance assistance is available from the Small Business Air Quality Liaison at the lowa Department of Economic Development (IDED). The Small Business Air Quality Liaison assists small business in identifying air quality permitting needs, communicating with the appropriate regulatory agencies and conducting outreach to the small business community.

Iowa Department of Economic Development
Small Business Liaison for Air Quality
200 E Grand Ave
Des Moines, IA 50309
(800) 351-4668 or (515) 242-4761
www.iowalifechanging.com/business/airquality.html

WATER QUALITY

lowa recognizes what a critical resource its surface and ground waters provide industry for business and manufacturing purposes and to its citizens and visitors for cultural and recreational opportunities. Water quality in lowa is managed by the lowa Department of Natural Resources' Water Quality Bureau (IDNR). Many of the programs carried out by the IDNR are based on federal laws.

Wastewater Permits

If your facility will discharge wastewater to an existing wastewater treatment system (such as a municipal sewer) please check with the operator of the treatment system to determine if the treatment system can safely accommodate the wastewater load. This is especially important for businesses or industries that will employ a large number of people or discharge wastewater from industrial processes. Modifications or expansions to the existing wastewater system may be needed to handle the additional waste. For some industries, a pretreatment agreement with the local wastewater authority may be needed. In some instances, the IDNR may review the pretreatment agreement.

If your company will construct its own wastewater treatment facility that discharges to surface water, both a wastewater construction permit and a discharge (National Pollutant Discharge Elimination System - NPDES) permit are needed. The application for a construction permit should be submitted at least four months prior to the start of construction.

The application for a discharge permit should be submitted six months prior to the start of operations. Discharge permits contain limits on the amounts and concentrations of pollutants that can be discharged and the IDNR encourages early coordination with the Wastewater Section to determine permit limitations, allowing the wastewater treatment facility to meet these limits.

Storm Water Permits

Certain industrial operations (including mining operations, storage or salvage yards and manufacturing operations) may need a stormwater discharge permit if rainfall or stormwater will come in contact with various types of materials or manufacturing processes. The IDNR Stormwater Coordinator has information packets available describing the types of industrial sites needing stormwater permit coverage.

In many cases, stormwater permitting can be handled with a general permit, greatly simplifying the permit process. Construction activities that will disturb one or more acres of land require a stormwater permit. This construction permitting can be handled under a general permit. The general permit application (called a Notice of Intent) must be submitted to IDNR Wastewater Section at least 24 hours prior to the start of any land disturbing activities such as site grading. The application must include proof of public notice and a permit fee. A storm water prevention plan must also be prepared, implemented and kept on site.

Water Supply

If your company will use water from an existing water supply system such as a municipal water supply, water-supply permits from the IDNR may not be needed but please check with the system operator to make sure they can provide a sufficient quantity of water. This is important for industries that may need large quantities of water for manufacturing or processing. If your company will provide water for human consumption or for manufacturing or processing operations, several water-supply related permits might be required.

- Water Use Permit. Withdrawing or using more than 25,000 gallons of water per day from any surface or underground source requires a
 water use permit from the IDNR Water Supply Section. The application and permit fee should be submitted at least four months prior to the
 start of operations. Water use permits are normally valid for 10 years.
- Well Construction Permit. Drilling a new well or modifying an existing well requires a well construction permit. The construction permit application and permit fee should be submitted at least two months prior to construction. If the water will only be used for cooling or industrial processing or it will not be considered a public water supply, obtain the permit through the county sanitarian. If the water will be used for human consumption, including drinking water and your company qualifies as a public water supply, obtain the permit through IDNR's Water Supply Section.
- Construction and Operation Permits. Providing water for 25 or more people per day for at least 60 days of the year, or having at least 15 service connections will require a public water supply and permits for both the construction and operation of the water supply system.
 Operation permits will contain monitoring and reporting requirements. Each permit has associated fees. Construction and operation permits are obtained through the IDNR's Water Supply Section.
- Certified Operator. Public water supplies classified as non-transient, non-community public water supplies require a certified operator.
 lowa's certification process for water supply system operators requires passing a written examination and meeting minimum education and on-the-job experience requirements. People that are certified operators must meet continuing education requirements to maintain certification and renew their certification every two years.

Floodplain

Construction, excavation or filling activities in floodplains (this includes. construction of buildings, dams, docks, channel changes, and site filling) may require a floodplain development permit from the IDNR Water Resources Section. The Joint Application Form used by the U.S. Army Corps of Engineers (Corps) for Section 404 permit is also used for floodplain permits.

The joint permit application is available from the Corps or the IDNR and should be submitted at least three months (preferably six months) before the work will begin. The Omaha District of the Corps has jurisdiction over the Missouri River, its contiguous wetlands and Carter Lake. The remainder of projects occurring in Iowa are regulated by the Corps' Rock Island District. In addition, many local governments also have floodplain permit requirements. In some cases, the IDNR has delegated its floodplain permitting powers to local governments and a state permit will not be needed.

Wetlands

Building on or otherwise disturbing land that is wet even part of the year may qualify the land as a wetland under federal regulations. Iowa relies on the Corps Section 404 program to protect wetlands and does not have a separate state wetland protection program. However, the IDNR does provide comments on Corps Section 404 permits. Contact an environmental professional to determine if the area is classified as a wetland and the potential impact to the wetland.

If a proposed construction site has wetlands on it, you should contact the Corps at the earliest possible time to determine if a Corps Section 404 permit is needed. A minimum of four months should be allowed for wetlands permitting. In some instances, wetland permitting may take a year or more, especially if the size or quality of the wetland is significant and the activity cannot be covered under one of the Corps nationwide permits.

IDNR's Water Quality Bureau

Wallace Building 502 E. 9th Street Des Moines, IA 50309 (515) 281-4582

www.state.ia.us/epd/wtrq/wtrqbur.htm

- Storm Water Coordinator (515) 281-7017
- Wastewater Construction Permits
 (515) 281-8877
- Wastewater Operating Permits
 (515) 281-8884
- Water Resources Section (515) 281-4312
- Water Supply Construction Permits (515) 725-0360
- Water Supply Operating Permits (515) 725-0350

U.S. Army Corps of Engineers

Rock Island District - Regulatory Branch Clock Tower Building P.O. Box 2004 Rock Island, Illinois 61204-2004 www.mvr.usace.army.mil (309) 794-5373

U.S. Army Corps of Engineers

Omaha District 106 S. 15th Street P.O. Box 5 Omaha, Nebraska 68102 www.nwo.usace.army.mil 402-221-7715

LAND QUALITY

Native Americans called lowa the beautiful land. The lowa Department of Natural Resources' Environmental Services Division (IDNR) has two bureaus that assist in keeping lowa. Areas overseen by these bureaus include solid waste landfills, infectious waste incinerators, land application of industrial sludge, underground storage tanks, solid waste transfer stations, composting facilities, waste tire management, solid waste recovery and recycling.

Solid Waste

Facilities transferring, storing and disposing of industrial waste (excluding hazardous wastes) are permitted by the Solid Waste Permitting Section of IDNR. If your company disposes of an industrial process waste in a landfill, you may need a Special Waste Authorization. Contact the Solid Waste Permitting Section to determine if landfill disposal is allowed for the waste. Then, submit a Request for Special Waste Authorization at least one month before disposing of the special waste. (On the form, indicate the landfill where the waste will be sent.) Because the landfill has the right to refuse the waste, IDNR will check with them before approving the Special Waste Authorization. There is no permitting fee for the Special Waste Authorization, but the landfill may charge a fee to accept the special waste.

Building a new sanitary disposal facility (landfill) requires working closely with the Solid Waste Permitting Section. Siting and permitting of a landfill is a lengthy process that also requires community involvement.

Pollution Prevention Services

Pollution prevention is the act of reducing or eliminating waste at the source before it is generated. The IDNR's Pollution Prevention Services team of experts can provided techniques that can save money and reduce waste. Pollution Prevention Services can also help with improvement plans, Environmental Management Systems (EMS) and develop cost-benefit analysis. The free services are confidential and non-regulatory. In addition, the Pollution Prevention Intern Program can provide additional resources for summer projects. Since 2001, interns have saved lowa companies more than \$5.4 million annually, along with 682 million gallons of water conserved, 19,911 tons of solid and special waste reduced, 57,497 gallons of hazardous waste reduced, 15 million kWh conserved reductions in inventory/production costs and 227 tons of air emission reductions.

Hazardous Waste

In lowa, the Resource Conservation and Recovery Act (RCRA) program is administered by Environmental Protection Agency (EPA) Region 7 in Kansas City, Kansas. RCRA regulates facilities that generate, transport, treat, store or dispose of hazardous waste. Generators and transporters of hazardous waste must have EPA identification numbers and comply with regulations for the handling of hazardous waste.

Treatment, storage, and disposal facilities must meet more stringent requirements and have a RCRA permit to operate. If hazardous waste will be managed in your facility, contact EPA Region 7 to obtain an identification number. It will take one week to obtain an EPA identification number. If your facility will be considered a treatment, storage, or disposal facility under the RCRA regulations, a RCRA permit must be obtained from EPA prior to handling hazardous waste. This RCRA permit application should be submitted to EPA six months before construction starts at the facility.

Underground Storage Tanks

The Underground Storage Tank (UST) Section of IDNR regulates the installation of new underground storage tanks to help decrease the potential for leaks. Regulations specify the certification requirements for tank installers, acceptable methods of corrosion protection, tank owner financial responsibility requirements, and mechanisms for spill prevention and release detection. Installation of a new tank must be completed by a certified installer. Within one month after the installation of a new tank, a notification form must be submitted to the UST Section certifying the regulatory requirements have been met.

If your company buys property that has contamination from a leaking petroleum underground storage tank (LUST), you may be eligible for reimbursement of the costs from the lowa UST Fund. Iowa has Risk Based Corrective Action (RBCA) rules that allow site-specific cleanup criteria based on the potential health risks created by contamination at the site. A RBCA analysis on a LUST site must be performed using specific software and guidelines provided by the LUST Section. An lowa Certified Groundwater Professional must perform this work.

Aboveground Storage Tanks

Installing aboveground storage tanks (ASTs) requires contacting the local fire department and the lowa State Fire Marshal to obtain approval for the installation. ASTs over 1,100 gallons must be registered with the lowa State Fire Marshal within one month of installation.

Storing oils (including animal and vegetable oils), fuels, solvents, and other similar materials that are not water soluble at a facility requires evaluating whether federal Oil Pollution Prevention regulations (40 CFR 112) apply. If your facility has one aboveground storage container with a capacity greater than 660 gallons, a total aboveground storage capacity greater than 1,320 gallons, or total underground storage capacity greater than 42,000 gallons, a Spill Prevention, Control and Countermeasure (SPCC) Plan must be prepared, kept onsite, and available for review by EPA.

Non-Petroleum Cleanup

The IDNR offers two options for new property owners to clean up a site that has non-petroleum contamination. The first option available through the Contaminated Sites Section of IDNR is a voluntary cleanup program called the Land Recycling Program (LRP). Risk-based criteria consistent with the future land use are used for determining cleanup requirements. Upon completing cleanup, the IDNR issues a binding **No Further Action** certificate that may be recorded with the property deed. Enrolling in the LRP requires completing an application form and submitting an application fee of \$750. The site owner agrees to reimburse the IDNR for oversight of the assessment and cleanup up to a maximum of \$7,500. If groundwater contamination is present at the site, groundwater compliance demonstration requires a minimum of two years monitoring beyond the completion of cleanup. If only soil contamination is present, investigation and cleanup under the LRP can be completed in a matter of months.

A second alternative for non-petroleum cleanup is available through the IDNR's Contaminated Sites Section. Under this option, it is not required to pay an application fee or to reimburse IDNR for oversight. The investigation and demonstration compliance requirements under this approach as not as stringent as the LRP requirements. As such, a *Completion Letter* from IDNR is issued, but this is not as binding as a *No Further Action* certificate. The *Completion Letter* may not be recorded with the property deed. In addition, if regulations become more stringent in the future, IDNR may require additional cleanup.

Brownfields

Brownfields are abandoned, idled, or underutilized industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. The IDNR, in cooperation with EPA and IDED, empowers communities and other stakeholders in economic development to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The IDNR has resources to conduct targeted brownfield assessments to determine what environmental impacts, if any, may exist at a site. The IDNR can then work with property owners to develop the best plan for redevelopment and reuse at the site, based on findings from the assessment. In addition, the IDED Brownfields Redevelopment Program provides financial and technical assistance for the acquisition and cleanup of brownfield sites.

IDNR's Energy &Waste Management Assistance Bureau

Wallace Building 502 E. 9th Street Des Moines, Iowa 50309 515-281-8927

Pollution Prevention Services
(515) 281-5353 or (515) 281-8499
Solid Waste Planning & Permitting Section
(515) 281-5105
Solid Waste Comprehensive Planning Section
(515) 281-4968 or (515) 281-5851
Special Waste Authorizations
(515) 281-3426

IDNR's Iowa Geological Survey & Land Quality Bureau

Wallace Building 502 E. 9th Street Des Moines, Iowa 50309 (515) 281-8169

> Contaminated Sites Section (515) 281-7040 Underground Storage Tanks Section (515) 281-8135 Brownfields Coordinator (515) 281-8489

Iowa Department of Economic Development Brownfields Redevelopment Program

200 E Grand Ave Des Moines, Iowa 50309 (515) 242-4808

regulatoryassistance@iowalifechanging.com

Iowa Department of Public Safety State Fire Marshal Division

621 East 2nd Street Des Moines, Iowa 50309-1831 (515) 281-5821

Environmental Protection Agency, Region 7

901 North 5th Street Kansas City, Kansas 66101 (913) 551-7003 (800) 223-0425 www.epa.gov/region 7

> Air, RCRA, and Toxics Division (913) 551-7020 Brownfields (913) 551-7786

Disclaimer: This guide is intended to provide a general overview of permitting/regulatory requirements which may be applicable to your facility. For requirements specific to your facility, please contact the regulatory contact noted in this guide, or the lowa Department of Economic Development Regulatory Assistance Team at 1-800-245-IOWA for further assistance.

Iowa Department of Economic Development

200 East Grand Ave Des Moines, Iowa 50309 (515) 242-4700

www.iowalifechanging.com

Regulatory Assistance Coordinator (515) 242-4901 Small Business Air Quality Liaison

(800) 351-4668 or (515) 242-4761

Iowa Department of Natural Resources Environmental Services Division

Wallace Building 502 E. 9th Street Des Moines, Iowa 50309 (515) 281-7276

www.iowadnr.com/

Air Quality Bureau

7900 Hickman Road, Suite 1 Urbandale, Iowa 50322 (515) 242-5100

> Construction Permits Section (877) AIR-IOWA or (515) 281-8189 Operating Permits Section (515) 281-8930

Energy &Waste Management Assistance Bureau

(515) 281-8927

Pollution Prevention Services
(515) 281-5353 or (515) 281-8499
Solid Waste Planning & Permitting Section
(515) 281-5105
Solid Waste Comprehensive Planning Section
(515)281-6807
Special Waste Authorizations
(515)281-3426

Geological Survey & Land Quality Bureau

(515) 281-8169

Brownfields Coordinator (515) 281-8489 Contaminated Sites Section (515) 281-7040 Underground Storage Tanks Section (515) 281-8135

Water Quality Bureau

(515) 281-4582

Storm Water Coordinator (515) 281-7017 Wastewater Section (515) 281-8877 Water Resources Section (515) 281-4312 Water Supply Section 401 SW 7th Street, Suite M Des Moines, IA 50309 (515) 725-0275

Field Office Bureau

(515) 242-6346 or (712) 262-4177 **Field Office #1** 909 West Main Suite #4

Manchester, IA 52057 (563) 927-2640

Field Office #2

15th Street SW, Box 1443 Mason City, IA 50402 (641) 424-4073

IDNR Field Office #3

Gateway North Mall 1900 North Grand Avenue Spencer, IA 51301 (712) 262-4177

IDNR Field Office Bureau (cont.)

Field Office #4

1401 Sunnyside Lane Atlantic, IA 50022 (712) 243-1934

Field Office #5

401 SW 7th, Suite 1 Des Moines, IA 50309 (515) 725-0268

Field Office #6

1023 West Madison Street Washington, Iowa 52353-1623 (319) 653-2135

Iowa Department of Public Safety State Fire Marshal Division

621 East 2nd Street Des Moines, Iowa 50309-1831 (515) 281-5821

www.state.ia.us/government/dps/fm/

Iowa Waste Reduction Center Iowa Air Emissions Assistance Program

1005 Technology Parkway Cedar Falls, Iowa 50613-6951 (800) 422-3109 or (319) 273-8905

www.iwrc.org

Linn County Public Health

501 13th Street NW Cedar Rapids, Iowa 52405 (319) 892-6000

www.air.linn.ia.us/

Polk County Air Quality

1595 NE 58th Street Des Moines, Iowa 50313 (515) 286-3351

www.airquality.co.polk.ia.us/

U.S. Army Corps of Engineers

Rock Island District - Regulatory Branch Clock Tower Building P.O. Box 2004 Rock Island, Illinois 61204-2004 (309) 794-5373

www.mvr.usace.army.mil

U.S. Army Corps of Engineers

Omaha District 106 S. 15th Street P.O. Box 5 Omaha, Nebraska 68102 www.nwo.usace.army.mil 402-221-7715

Environmental Protection Agency, Region 7

901 North 5th Street Kansas City, Kansas 66101 (913) 551-7003 (800) 223-0425 www.epa.gov/region 7

> Air, RCRA, and Toxics Division (913) 551-7020 Brownfields (913) 551-7786